UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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JOHN R. BLUMATTE a/k/a ROBERT ANGONA
a/k/a JOHN BLUE,

                                Plaintiff,

                    -against-

GERARD QUINN, DONALD ROGERS, STEPHEN
FARTHING, RANDOLPH LERNER, JR., DAVID
LEVINSON, RUSSELL C. WILKINSON, EILEEN
GUGGENHEIM, H. ROBERT BOLANDIAN,
CHRISTOPHER FORBES, MARGOT GORDON,
ROLAND GRYBAUSKAS, LUDWIG KUTTNER,
DOUGLAS OLIVER, DAVID SCHAFER, DENNIS
SMITH, THE GRADUATE SCHOOL OF
FIGURATIVE ART OF THE NEW YORK
ACADEMY OF ARTS and JEFFREY C. SLADE,

                           Defendants.

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**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL BETWEEN
PLAINTIFF AND CITY
DEFENDANTS** __

07 Civ. 2944 (JSR)

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USDC SDNY
DOCUMENT
ELECTRONICALLY  FILED
DOC #: _____
DATE FILED: 2-4-08
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        WHEREAS, plaintiff commenced this action by filing a complaint on or about

April 12, 2007, alleging that defendants Gerard Quinn and Donal Rogers ("City defendants")

violated plaintiff's federal civil and state common law rights; and

        WHEREAS, defendants Quinn and Rogers have denied any and all liability

arising out of plaintiff's allegations; and

        WHEREAS, the parties now desire to resolve the issues raised in this litigation,

without further proceedings and without admitting any fault or liability;

        WHEREAS, plaintiff has authorized his counsel to settle this matter on the terms

set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1.   The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2.   The City of New York hereby agrees to pay plaintiff the sum of Seventeen Thousand Five Hundred ($17,500.00) Dollars in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against City defendants and to release defendants Quinn and Rogers, any present or former employees and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged by plaintiff arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney fees.

3.   Plaintiff shall execute and deliver to City defendant's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4.   Nothing contained herein shall be deemed to be an admission by defendants Quinn and Rogers that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5.   Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6.   This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York

J. JOSEPH BAINTON, ESQ.
Bainton McCarthy LLC
Attorneys for Plaintiff
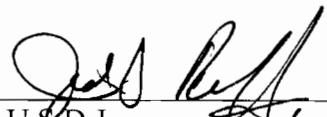26 Broadway, Suite 2400
New York, New York 10004-1840

By: _____
      J. JOSEPH BAINTON (𝓢𝓱𝓻)
      Attorney for Plaintiff

MICHAEL A. CARDOZO, ESQ.
Corporation Counsel of the
      City of New York
Attorney for Quinn and Rogers
100 Church Street
New York, New York 10007
(212) 788-0906

By: _____
      (SHAWN FABIAN (SF4606)
      Assistant Corporation Counsel

SO ORDERED:

_____
U.S.D.J.
                2/4/08